

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Norfolk Division

SHANE CARTER, an infant, who sues  
by his grandmother and next friend,  
Terry Carter,

Plaintiff,

v.

ACTION NO. 2:05cv630

JO ANNE B. BARNHART,  
Commissioner of the  
Social Security Administration,

Defendant.

FINAL ORDER

Plaintiff brought this action under 42 U.S.C. § 405(g) and 42 U.S.C. § 1383(c)(3) seeking judicial review of the decision of the Commissioner of Social Security denying plaintiff's claim for disability insurance benefits under the Social Security Act.

The matter was referred to a United States Magistrate Judge, pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and the Local Rules of the United States District Court for the Eastern District of Virginia, for report and recommendation. Report of the magistrate judge was filed on September 19, 2006, recommending that plaintiff's motion for summary judgment be GRANTED and defendant's motion for summary judgment be DENIED. The Report further recommended that the case be remanded to the Commissioner of Social Security for the awarding of benefits. By copy of the report, each party was advised of the right to file written objections to the

findings and recommendations made by the magistrate judge. On September 29, 2006, the court received Defendant's Objections to the Report and Recommendation of the Magistrate Judge. On October 4, 2006, the court received Plaintiff's Response to Defendant's Objections to the Magistrate Judge's Report and Recommendation.

The court, having examined the objections to the Magistrate Judge's Report and having made de novo findings with respect to the portion objected to, does hereby adopt and approve the findings and recommendations set forth in the Report of the United States Magistrate Judge filed September 19, 2006. Plaintiff's motion for summary judgment is hereby GRANTED and defendant's motion for summary judgment is hereby DENIED. Accordingly, the case is REMANDED to the Commissioner of Social Security for the awarding of benefits.

The Clerk shall forward a copy of this Final Order to counsel for the parties.

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/s/  
Rebecca Beach Smith

Norfolk, Virginia

October 12, 2006